

DEPARTMENT OF LABOR
LICENSING AND REGULATION

v.

RICHARD H. PFISTER
dba Mercado & Associates

Respondent

CASE NO.: SPMG 10-0100

* * * * *

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulations ("Department") as a result of a complaint filed by the Anne Arundel County Police Department Pawn and Precious Metal Squad. Upon a review of the complaint, the Department has determined that administrative charges against Richard H. Pfister dba Mercado & Associates (the Respondent) be filed and an administrative hearing should be held. In an effort to resolve this matter without a formal hearing, the Respondent and the Department have agreed to enter into this Consent Order as the final settlement of this matter.

THE PARTIES AGREE AND STIPULATE:

1. At all times relevant to the matters set forth this Consent Order, the Department had jurisdiction over the subject matter and the Respondent.
2. The Respondent obtained a license as a secondhand precious metal object dealer dba Mercado & Associates, Incorporated, 504 Baltimore Annapolis Boulevard, Severna Park, Maryland 21146 on April 1, 2004.
3. On March 10, 2010 members of the Anne Arundel County Police Department Pawn and Precious Metal Squad sold secondhand precious metal objects to the Respondent to determine the Respondent's compliance with the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act., Title 12, Business Regulation Article.

4. The Respondent acquired the following items from Detective Robert Gibson, of the Anne Arundel County Police Department Pawn and Precious Metal Squad, in Transaction No. 10:

- (a) A woman's 10 karat yellow gold, 20-inch herringbone necklace;
- (b) A woman's 10 karat yellow gold, 18-inch square link necklace;
- (c) A woman's 14 karat yellow gold, 16-inch Omega necklace; and
- (d) A yellow gold cross pendant.

5. The Respondent or the Respondent's employee attempted to file the transaction electronically but was unable to complete the transaction, however, mailed the secondhand precious metal object transaction form to the Anne Arundel County Police Department.

6. The Anne Arundel County Police Department received the secondhand precious metal object transaction form on March 11, 2010.

7. On March 16, 2016 Detective Gibson conducted an inspection of the Respondent's business location and inquired to inspect the items associated with Transaction 10.

8. The Respondent informed Detective Gibson by stating, "I already sent the property out and I forgot to hold it for 18 days."

9. The Respondent retrieved items from a refinery and returned them to Detective Gibson on March 17, 2010.

10. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article, §12-304 (a) (1), Annotated Code of Maryland, which states:

§ 12-305. Holding period for precious metal objects.

(a) Duration - In general.-

(1) Except as otherwise provided in this section, a dealer who acquires a precious metal object shall keep it in the county where the dealer holds a license from the time of acquisition until at least 18 days after submitting a copy of a record of its acquisition under § 12-304 of this subtitle

11. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of \$350.00 upon the Respondent's execution of this Consent Order.

12. The Respondent further agrees that he shall abide by the provisions of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act, § 12-101 et. seq. and COMAR 09.25.01, et. seq.

13. The Respondent, by entering into this Consent Order, expressly waives the right to have the pending allegations by the Department reduced to written charges, the right to an administrative hearing on the charges and the making of Findings of Fact and Conclusions of Law, and any all further proceeding before the Department to which the Respondent may be entitled to in this matter, and any rights to appeal from this Order.

14. The Respondent enters into this Consent Order freely, knowingly and voluntarily.

BASED ON THESE STIPULATIONS, IT IS, THIS 6th DAY OF May, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:


ORDERED that the Respondent has violated Business Regulation Article, §12-304 (a) (1), Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$350.00 for the violations, which amount is to payable to the Department upon the Respondent's execution of this Consent Order and Settlement Agreement, and it is further

ORDERED that the Department's records and publications reflect the violations and the civil penalty of \$350.00 imposed on the Respondent.


Richard H. Pfister


Leonard J. Howie, III
Deputy Secretary
MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

5-2-10
Date